

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION  
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SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

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| JOSHUA ALLEN,<br><br>Plaintiff,<br><br>v.<br><br>MCAULEY LAW OFFICE, LLC and<br>JASON L. MCAULEY,<br><br>Defendants. | CASE NO.<br><br><br><br><br><br><br><br><br><b>1 : 10-cv-1517 WTL -TAB</b> |
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**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for statutory and actual damages, costs of the action and a reasonable attorney's fee brought by Joshua Allen for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., by Defendants.

**II. JURISDICTION**

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §§ 1331 and 1337.

**III. PLAINTIFF**

3. Plaintiff Joshua Allen is a natural person residing in Bloomfield, Indiana.

**IV. DEFENDANTS**

4. Defendant McAuley Law Office, LLC is a for-profit domestic limited liability company with its principal place of business in Bloomington, Indiana.
5. At all times referenced herein, McAuley Law Office, LLC was operating as a debt collector in the State of Indiana as defined by 15 U.S.C. § 1692a(6).
6. Defendant Jason L. McAuley is a natural person working in Bloomington, Indiana.
7. At all times referenced herein, Jason L. McAuley was operating as a debt collector in the State of Indiana as defined by 15 U.S.C. § 1692a(6).

**V. STATEMENT OF FACTS**

8. On or about June 8, 2010, Defendants sent Plaintiff a letter, attached hereto as Exhibit A, attempting to collect two alleged debts from Plaintiff.
9. The balance Defendants attempted to collect included \$1,250 in attorney fees.
10. Defendants had not incurred \$1,250 worth of attorney time in collecting the alleged debts at the time the June 8, 2010 letter was sent.


## **VI. CLAIMS FOR RELIEF**

### **A. Fair Debt Collection Practices Act**

11. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through ten above.
12. Defendants violated the Fair Debt Collection Practices Act. These violations include, but are not limited to:
  - a. Attempting to collect an attorney fee that Plaintiff does not owe, in violation of 15 U.S.C. § 1692d;
  - b. Falsely representing the amount and legal status of a debt, in violation of 15 U.S.C. § 1692e;
  - c. Attempting to collect an amount not expressly authorized by the agreement creating the debt or permitted by law, in violation of 15 U.S.C. § 1692f.
13. As a result of these violations of the Fair Debt Collection Practices Act, Defendants are liable to Plaintiff for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Defendants in an amount that will compensate him for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

Respectfully submitted,

  
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